

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALEMAYEHU GETACHEW,

Plaintiff,

v.

Case No. 14-C-326

WEL INC.,

Defendant.

ORDER DENYING AS MOOT [6] DEFENDANT'S MOTION TO DISMISS

Defendant Wel, Inc. filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(5) on May 8, 2014, for *pro se* plaintiff Alemeyehu Getachew's alleged failure to effectuate proper service. (ECF No. 6.) Wel's motion indicated that service had not been waived and asserted that Getachew's attempt to effectuate service by registered mail was improper under Wisconsin law and Fed. R. Civ. P. 4. Wel requested that Getachew's case be dismissed unless he properly served Wel within the requisite 120-day period provided by Fed. R. Civ. P. 4(m). On July 24, 2014, after Getachew's 120 days had expired, the Court issued an order to show cause directing Getachew to indicate whether he had properly served the defendant. (ECF No. 15.) On July 31, 2014, the plaintiff filed with the Court a proof of service form indicating that Wel, Inc. has been served. (ECF No. 16.) The proof of service form filed by Getachew indicates that the process server received the summons and signed the proof of service form on July 11, 2014. The line that indicates the actual date of service, however, was left blank.

The filing of the proof of service form renders Wel's initial motion moot, but Wel may renew its motion to dismiss if it seeks to challenge the sufficiency of Getachew's second service

attempt. Wel is directed to file an answer or dispositive motion within 20 days of the date of this order.

SO ORDERED this 5th day of August, 2014.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court